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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.

Rulemaking 11-05-005  
(Filed May 5, 2011)

**ADMINISTRATIVE LAW JUDGE'S RULING DENYING PACIFIC GAS AND ELECTRIC COMPANY'S MOTION TO HOLD 2016 SOLICITATION IN ABEYANCE PENDING OUTCOME ON PETITION TO MODIFY DECISION 14-11-042 REGARDING 2016 AND 2017 SOLICITATIONS**

**Background**

In Decision (D.)14-11-026, the Commission granted the request of Pacific Gas and Electric Company (PG&E) to close its Solar Photovoltaic Program (Solar PV Program) authorized in D.10-04-052. At the time the Solar PV Program was closed, about 200 megawatts (MW) of authorized capacity remained to be procured through the program.

In D.14-11-042, the Commission granted PG&E's request to transfer the capacity authorization remaining from the Solar PV Program to PG&E's capacity allocation under the renewable auction mechanism (RAM) for procurement to meet requirements of the California renewables portfolio standard (RPS) program. PG&E proposed, and the Commission ordered, that half the remaining capacity (approximately 100 MW) be transferred to the upcoming RAM 6 auction, to be held in the first half of 2015. The remaining half of the capacity from PG&E's Solar PV Program was ordered to be transferred equally to two

later solicitations using the RAM protocols as revised by D.14-11-042, to be held in 2016 and 2017. (D.14-11-042, OP 32.)<sup>1</sup>

On January 22, 2016, a little more than a year after D.14-11-042 was issued, PG&E filed a Petition to Modify Decision 14-11-042 Regarding 2016 and 2017 Solicitations (January Petition). In the January Petition, PG&E sought to eliminate the requirement that it hold solicitations in 2016 and 2017 for the remaining MW allocation from its closed Solar PV Program.<sup>2</sup>

On July 14, 2016, PG&E filed its Motion to Hold 2016 Solicitation in Abeyance Pending Outcome of Petition to Modify Decision 14-11-042 Regarding 2016 and 2017 Solicitations (Abeyance Motion). Clean Coalition filed a response to the Abeyance Motion on July 29, 2016; PG&E filed a Reply on August 8, 2016.

### **Discussion**

In the Abeyance Motion, PG&E argues that it should not have to comply with the requirements of D.14-11-042 while the January Petition is pending. Recognizing that Rule 16.4(h) of the Commission's Rules of Practice and Procedure provides that "[u]nless otherwise ordered by the Commission, the filing of a petition for modification does not stay or excuse compliance with the order of the decision proposed to be modified," PG&E asserts that holding the 2016 auction will involve trouble and expense that could be unnecessary if the January Petition is granted. If the January Petition is not granted, PG&E proposes that it will conduct the 2016 solicitation at some time after the denial of the January Petition. Clean Coalition argues that PG&E's proposal will introduce

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<sup>1</sup> Discussion of the transfer process is found in D.14-11-026 at 10-13 and D.14-11-042 at 104-105.

<sup>2</sup> Three responses to the January Petition were filed on February 22, 2016, by the Office of Ratepayer Advocates, Sierra Club, and Solar Energy Industries Association.

uncertainty in the market for small RPS-eligible projects and could lead to higher costs for developers.

In both the January Petition and the Abeyance Motion, PG&E asks the Commission to revoke or postpone procurement authorizations for RPS-eligible resources that PG&E itself had requested. The Solar PV Program authorized by D.10-04-052 and closed by D.14-11-026 had been initiated by PG&E's Application 09-02-019. In D.14-11-042, the Commission transferred almost 200 MW of remaining Solar PV Program capacity to RAM at PG&E's request.<sup>3</sup> Also conforming to PG&E's request, D.14-11-042 directed that the transferred capacity be offered in RAM auctions during 2015, 2016, and 2017.<sup>4</sup> The procurement of RPS-eligible solar resources that PG&E now seeks to postpone has therefore been authorized, in one programmatic form or another, for more than six years.

The Commission is considering the January Petition and will decide it in due course. In the meantime, the procurement authorized in D.14-11-042 should proceed.<sup>5</sup>

**IT IS RULED** that:

1. Pacific Gas and Electric Company's Motion to Hold 2016 Solicitation in Abeyance Pending Outcome on Petition to Modify Decision 14-11-042 Regarding 2016 and 2017 Solicitations (July 14, 2016) is denied.

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<sup>3</sup> PG&E's Petition for Expedited Order Granting Modification of Decision 10-12-048 (Renewable Auction Mechanism) was filed February 26, 2014.

<sup>4</sup> Compare 2014 Petition at 6 with D.14-11-0442 at 105.

<sup>5</sup> The disposition of this motion should not be read as providing any indication of the Commission's ultimate disposition of the January Petition.

2. This ruling must be served on the service list of this proceeding and Rulemaking15-02-020, the current RPS rulemaking proceeding.

Dated November 8, 2016, at San Francisco, California.

          /s/ ANNE E. SIMON            
Anne E. Simon  
Administrative Law Judge